

REMARKS

STATUS OF CLAIMS

Claims 1-3, 6, 8-35, 40-42, 45, 47-74, 79 and 80 are now pending in this application. Claims 36-39 and 75-78 have been withdrawn from consideration as being directed to a non-elected invention.

REJECTION OF CLAIMS UNDER 35 U.S.C. § 102 AND § 103

I. Claims 1-3, 6, 8, 9, 11, 15-23, 30, 32, 34, 40-42, 45, 47, 48, 50, 54-62, 69, 71, 73, 79 and 80 have been rejected under 35 U.S.C. § 102(e) as being anticipated by Fritsch (U.S. Patent 6,247,130), for the reasons substantially of record.

The rejections are respectfully traversed.

As asserted in the last two responses, Fritsch does not disclose or suggest that the ID information of a sub-application to be utilized next is stored in the executed sub-application, which is required by each of independent claims 1, 32, 40, 71, 79 and 80. In the section "Response to Arguments/Amendment" of the Office Action, the Examiner maintains that "Fritsch discloses every album or CD has track number and track name (note that each track is equivalent to sub-application's ID), see figure 2A, the Louis Armstrong album contains 8 tracks, track number 1 to track number 8, each track assigns a track name or song title, track number 2 is next to track number 1, track number 3 is next to track number 2, etc. Moreover, when playing the CD, each track is automatically executed in order, thus, it is inherited [sic] that each track must have the ID of a track that is to be utilized next for executing the tracks in order when the

CD is playing. Therefore, *Fritsch does teach the ID information of a sub-application to be utilized next is stored in the executed sub-application*".

However, the manner in which a player plays tracks of a CD sequentially has nothing to do with any track having the ID of a track that is to be utilized next for executing the tracks in order when the CD is playing.

Generally, when playing songs/tracks on a CD, a pickup reproduces information recorded in the disc and supplies the reproduced information to a buffer memory. The buffer memory that is used is usually an FIFO (first-in-first-out) configuration and the stored information in the buffer memory is supplied to a decoder such that it is extracted from the memory *in the same order that it is entered*. The decoder generally decodes the supplied information, detects and corrects errors contained in the information, and then supplies the decoded information to an audio reproducing system for playing back the audio/music contained in the supplied information.

Playing songs/tracks on a CD does not require that a currently playing song/track have also stored the ID information of a track/song *to be played next*. Such information is not part of a CD, as the songs/tracks on a CD can be played back in the sequential order that they are recorded, in a random order or a specific track order. The playback is totally controlled *by the playback device*, not the CD, and is based upon user input to the playback device. More specifically, the playback device controls the order in which songs/tracks are played back, not the CD.

The above comments apply also to a case where tracks are downloaded from the Internet to memory of a computer and then played back using a media player stored (via software) in the

computer (playback device) or recorded from the memory of the computer to a CD for playback by a physical media player (playback device).

As noted in the previous responses, the Examiner's assertion as to what is disclosed in Fritsch does not evince that Fritsch discloses or suggests that the ID information (for identification) of a sub-application to be utilized next is stored in the executed sub-application. That is, using the Examiner's interpretation that each song's title or track of the song is equivalent to sub-application's ID, the Examiner has not evinced that Fritsch discloses or suggests, that any song title/track of any song (the Examiner's identified sub-application) that is/will be played (executed) stores the song title/track of any song (sub-application) that is to be *played (utilized) next*.

Referring again to the example for the song "When The Saints Go Marching in", if this song were to be played, or were playing, there is nothing in this song title or track (sub-application) that identifies *what the next song to be played will be* (i.e., what the ID of a sub-application that is to be utilized next is). As noted above, automatically executing each song/track in order is controlled by the playback device, not the CD that has the recorded songs/tracks. That is, it is the playback device that designates the next song to be played and this is based upon user input to the playback device; i.e., by the user designating sequential playback, random playback or listing a specific order of tracks to be played back. Some playback devices have the capability of repeatedly playing back one track. In a sequential playback, the playback device reads the songs/tracks in their recorded track sequence to a buffer memory for playback from the buffer memory in the recorded track sequence. However, this does not mean that any

one song/track of the CD has the next/song track to be played recorded on that one song/track, as this is controlled by the player.

Applicants' again wish to emphasize that an essential feature of the invention recited in the claims is that "the ID of a sub-application to be executed next (required next) is stored in a sub-application being executed".

When it is assumed that this feature is applied to the downloading of music, a piece of music corresponds to a sub-application. Each piece of music has an ID indicating a piece of music to be played (executed) next. Therefore, pieces of music recorded in different albums such as CDs can be designated based on the IDs, and thus pieces of music recorded in different albums can be randomly designated and downloaded. For example, where a CD is an album recording pieces of music played in a concert, in accordance with the above-noted essential feature of the invention recited in the claims, the pieces of music in the CD each store an ID indicating the order of performance in which they were played in the concert, and thereby the pieces of music can be replayed in that performance order when the CD is replayed, and can also be downloaded from the CD according to that performance order.

When it is assumed that the above essential feature of the invention recited in the claims is applied to a game, which can develop into a plurality of stages (aspects) depending on how the player plays it, a program and data for executing each stage of the game corresponds to a sub-application. Each stage can have different execution results depending on how the player plays the game and thus, a stage to be executed next can be different depending on the execution results. Therefore, even if there are a plurality of candidates for a sub-application (program and data for a stage) to be executed next, a sub-application to be executed next can be designated

from among the plurality of candidates by using IDs included in a sub-application being executed.

Finally, when it is assumed that the above essential feature of the invention recited in the claims is applied to a TV drama series, which is divided beforehand into a plurality of episodes to be broadcast in series, each episode is broadcast at a predetermined time on a predetermined day of the week. Therefore, it takes a long time to finish broadcasting all the episodes of one TV drama series. Accordingly, it is conceivable that a user may purchase (download) only an episode the user failed to watch among all the episodes, from a network. When downloading an episode, the user has to retrieve an episode that follows a previously purchased episode of the drama series. On this occasion, it takes time to retrieve the episode without using an ID. However, when each episode stores an ID, the user can save time required to retrieve a desired episode by using the ID stored therein.

Returning to Fritsch, in the terms of the song titles or tracks of Fritsch that the Examiner interprets as corresponding to a sub-application, the Examiner has **NOT** evinced that, for example, the song/track "When The Saints Go Marching in" includes the identification of the song/track that will be played (utilized) next. Furthermore, in view of the fact that it is the playback device, **NOT** the CD, that controls the order in which the songs/tracks on a CD are played back, the Examiner's comment that "when playing the CD, each track is automatically executed in order, thus, it is inherent that each track must have the ID of a track that is to be utilized next for executing the tracks in order when the CD is playing" is incorrect.

Thus, claims 1-3, 6, 8, 9, 11, 15-23, 30, 32, 34, 40-42, 45, 47, 48, 50, 54-62, 69, 71, 73, 79 and 80 are patentable over Fritsch.

II. Claims 10, 12-14, 31, 33, 49, 51-53, 70 and 72 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fritsch in view of Zilliacus et al. (U.S. Patent 6,832,23).

The rejections are respectfully traversed.

Independent claims 1, 32, 40 and 71 are patentable over Fritsch and Zilliacus et al. does not remedy the above noted deficiency of Fritsch. Claims 10, 12-14, 31 depend indirectly from independent claim 1, claim 33 depends directly from independent claim 32, claims 49, 51-53 and 70 depend indirectly from independent claim 40, and claim 72 depends directly from independent claim 71. Therefore, claims 10, 12-14, 31, 33, 49, 51-53, 70 and 72 are patentable over Fritsch and Zilliacus et al.

III. Claims 31, 33, 70 and 72 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fritsch in view of Hoffman (U.S. Patent 6,622,017).

Independent claims 1, 32, 40 and 71 are patentable over Fritsch and Hoffman does not remedy the above noted deficiency of Fritsch. Claim 31 depends indirectly from independent claim 1, claim 33 depends directly from independent claim 32, claim 70 depends indirectly from independent claim 40, and claim 72 depends directly from independent claim 71. Therefore, claims 31, 33, 70 and 72 are patentable over Fritsch and Hoffman.

IV. Claims 24-29, 35, 63-68 and 74 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Fritsch in view of Kupka et al. (U.S. Patent 6,434,535), for the reasons substantially of record.

Independent claims 1, 32, 40 and 71 are patentable over Fritsch and Kupa et al. does not remedy the above noted deficiency of Fritsch. Claims 24-29 depend directly or indirectly from independent claim 1, claim 35 depends indirectly from independent claim 32, claims 63-68 depend directly or indirectly from independent claim 40, and claim 74 depends indirectly from independent claim 71. Therefore, claims 24-29, 35, 63-68 and 74 are patentable over Fritsch and Kupka et al.

V. In view of the above, the allowance of claims 1-3, 6, 8-35, 40-42, 45, 47-74, 79 and 80 is respectfully solicited.

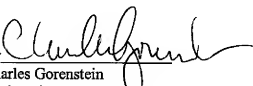
CONCLUSION

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Edward J. Wise (Reg. No. 34,523) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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